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**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**In re:**

**PG&E CORPORATION**

**-and-**

**PACIFIC GAS AND ELECTRIC  
COMPANY,**

**Debtors.**

- ☐ Affects PG&E Corporation
- ☐ Affects Pacific Gas and Electric Company
- ☒ Affects both Debtors

*\*All papers shall be filed in the Lead Case,  
No. 19-30088 (DM)*

Bankruptcy Case  
No. 19-30088 (DM)

Chapter 11  
(Lead Case)  
(Jointly Administered)

**JOINDER TO OMNIBUS OBJECTIONS  
OF THE OFFICIAL COMMITTEE OF  
TORT CLAIMANTS (SUBSTANTIVE)  
TO CLAIMS FILED BY THE  
DEPARTMENT OF HOMELAND  
SECURITY/FEDERAL EMERGENCY  
MANAGEMENT AGENCY (CLAIMS  
NOS. 59692, 59734 & 59783) AND TO  
CLAIMS FILED BY CALIFORNIA  
GOVERNOR'S OFFICE OF  
EMERGENCY SERVICES (CLAIM  
NOS. 87748, 87754, & 87755)**

Date: February 26, 2020  
Time: 10:00 a.m. (Pacific Time)  
Place: United States Bankruptcy Court  
Courtroom 17, 16th Floor  
San Francisco, CA 94102

Re: Docket Nos. 4943, 5096, 5319, 5320

Pedro Arroyo, Karen Arroyo, Tara Kulkarni, William Rodda, Corey Manning, Emily Manning, Karen Lockhart, Andrew Coolidge, Alfreda Runge, Philippe Langner, Kitoko Vineyards, Patti Meyer, Wardah Dator, Patricia O’Keefe, Scott Patterson, Rebecca Christensen, Wayne Charvel, Susan Charvel, Priscilla Hanford, Rick Scott and Kimberly Scott (the “**Fire Victims**”), in the above-captioned chapter 11 cases of PG&E Corporation and Pacific Gas and Electric Company, as debtors and debtors in possession (collectively, “**PG&E**” or the “**Debtors**”) hereby support and join the following objections filed by the Official Committee of Tort Claimants (the “**TCC**”): (i) *Omnibus Objection of the Official Committee of Tort Claimants (Substantive) to Claims Filed by the Department of Homeland Security/Federal Emergency Management Agency (Claim Nos. 59692, 59734 & 59783) [Dkt. No. 4943]* (the “**TCC FEMA Objection**”); (ii) *Supplement To Omnibus Objection of the Official Committee of Tort Claimants (Substantive) to Claims Filed by the Department of Homeland Security/Federal Emergency Management Agency (Claim Nos. 59692, 59734 & 59783) [Dkt. No. 5319]* (the “**TCC Supplemental FEMA Objection**”) (iii) *Omnibus Objection of the Official Committee of Tort Claimants (Substantive) to Claims Filed by California Governor’s Office of Emergency Services (Claim Nos. 87748, 87754, & 87755) [Dkt. No. 5096]* (the “**TCC Cal OES Objection**”); and (iv) *Supplement to Omnibus Objection of the Official Committee of Tort Claimants (Substantive) to Claims Filed by California Governor’s Office of Emergency Services (Claim Nos. 87748, 87754, & 87755) [Dkt. No. 5320]* (the “**TCC Supplemental Cal OES Objection,**” and together with the TCC FEMA Objection, the TCC Supplemental FEMA Objection, and the TCC Cal OES Objection, the “**Objections**”).

### **JOINDER**

Pursuant to Section 502(b)(1) of the Bankruptcy Code, a claim is not allowed if the claim “is unenforceable against the debtor . . . under any . . . applicable law.” 11 U.S.C. § 502(b)(1). The Fire Victims support and join in all arguments asserted in the Objections and raise the following additional points in support of the Objections:

#### **1. THERE IS NO EVIDENCE THAT PG&E INTENTIONALLY CAUSED THE SUBJECT FIRES.**

No evidence has been discovered, which indicates that PG&E intentionally caused any of the subject fires, specifically including the Tubbs Fire. The evidence discovered, concerning the

1 Tubbs Fire, demonstrated that the fire was the result of contact between PG&E lines and a tree  
2 branch. (See the Declaration of Steven M. Campora, filed herewith.)

3 Only “[a]ny person who intentionally causes a condition for which Federal assistance is  
4 provided” is subject to liability under the Stafford Act. (42 U.S.C. §5160(a)<sup>1</sup>.) Intentional torts  
5 require the actor intend the consequences of the act in addition to the act itself. *Kawaauhu v. Geiger*,  
6 523 U.S. 57, 61-2 (1998). FEMA assistance was rendered for fire damage, not the conditions  
7 causing the fires, such as untrimmed trees or aging infrastructure. Even if “condition” in the statute  
8 is interpreted to mean the fires, FEMA will have to prove PG&E intended to cause the fires to  
9 recover under the Stafford Act. There is zero evidence PG&E intended to cause the fires.

10 **2. THE GOVERNMENTAL ENTITIES HAVE FAILED TO ALLEGE ANY**  
11 **INTEREST IN ANY OF THE REAL PROPERTY DAMAGED BY THE SUBJECT FIRES**  
12 **AND HAVE FAILED TO SPECIFICALLY ALLEGE ANY INTEREST IN ANY**  
13 **PROPERTY DAMAGED BY THE SUBJECT FIRE.**

14 The public entities are entitled to recovery only if (1) there is specific statutory authority  
15 permitting the public entity to recover or (2) the public entity has alleged a tort that would entitle it  
16 to compensatory damages “that are not based upon expenditures for the benefit of the public.” (See  
17 *Cty. of San Luis Obispo v. Abalone All.*, 178 Cal. App. 3d 848, 859 (1986).) The claims made by  
18 the governmental entities are not for compensatory damages based on damage to their property.  
19 Instead the claims are specifically for “expenditures for the benefit of the public.” As such, the  
20 objections should be sustained.

21 **3. CONCLUSION**

22 The Fire Victims reserve all rights to be heard before the Court in connection with the  
23 Objections (and any joinders thereto), to amend, supplement, or otherwise modify this Joinder prior  
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25 <sup>1</sup> (a) **Party liable.** Any person who *intentionally causes* a condition for which Federal assistance is  
26 provided under this Act or under any other Federal law as a result of a declaration of a major  
27 disaster or emergency under this Act shall be liable to the United States for the reasonable costs  
28 incurred by the United States in responding to such disaster or emergency to the extent that such  
costs are attributable to the intentional act or omission of such person which caused such  
condition. Such action for reasonable costs shall be brought in an appropriate United States  
district court. 42 U.S.C.S. § 5160(a), emphasis added.

1 to or during the preliminary hearing on the Objections, and to assert such other and further  
2 objections prior to the final adjudication of the matter.

3 For the reasons set forth in the Objections, the Fire Victims respectfully request that the  
4 Court enter an order disallowing and expunging the FEMA Claims and the Cal OES Claims  
5 identified in the Objections.

6 Dated: February 12, 2020

DREYER BABICH BUCCOLA WOOD  
CAMPORA, LLP

8 By: /s/ Steven M. Campora  
9 Steven A. Campora

10 *Counsel for Pedro Arroyo, Karen Arroyo, Tara*  
11 *Kulkarni, William Rodda, Corey Manning,*  
12 *Emily Manning, Karen Lockhart, Andrew*  
13 *Coolidge, Alfreda Runge, Philippe Langner,*  
14 *Kitoko Vineyards, Patti Meyer, Wardah Dator,*  
15 *Patricia O'Keefe, Scott Patterson, Rebecca*  
16 *Christensen, Wayne Charvel, Susan Charvel,*  
17 *Priscilla Hanford, Rick Scott and Kimberly*  
18 *Scott*